IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9515 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)

Versus

MAKWANA RAMESH JIVABHAI - Respondent(s)

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Appearance :

MS RITA CHANDARANA, AGP for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 17/10/2005

CAV JUDGMENT

1.Having perused the materials produced on record, it transpires that this Court on 1.8.2005 had passed the following order:-

"Mr.Pandya, ld. AGP to verify whether respondent has been reinstated or not. S.O., to 12th Aug.2005."

2. In response to the aforesaid order, Ms.Rita Chandarana, learned AGP has submitted today that though the respondent workman was informed orally as well as in writing to report for duty, but he has not reported for the duty.

3. In above view of the matter, it is clear that the question of reinstatement is already exhausted and, therefore, it cannot be considered at this stage. So far as grant of back wages is concerned, in view of the decision of Apex Court in the case of **General Manager, Haryana Roadways v. Rudhan Singh reported in J.T.2005 (6) S.C.p. 137 [2005 (5) S.C.C. p. 591],** the respondent is not entitled for back wages.

4. At this stage, it is also required to be noted that though served, nobody appears on behalf of the respondent workman.

5. In the result, this petition is required to be allowed. The judgment and award passed by the Labour Court dated 26.2.1999 in Reference (LCR) No.1107 of 1989 is quashed and set aside.

6. Rule is made absolute to the aforesaid extent with no

order as to costs.

(Sharad D.Dave,J)

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